

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN DOE,

Plaintiff,

-against-

**COLUMBIA UNIVERSITY and
TRUSTEES OF COLUMBIA UNIVERSITY,**

Defendants.

**DECLARATION OF ANDREW T. MILTENBERG, ESQ. IN SUPPORT OF
PLAINTIFF'S EX PARTE MOTION FOR LEAVE TO FILE COMPLAINT AS
PSEUDONYMOUS PLAINTIFF**

ANDREW MILTENBERG, ESQ. hereby declares subject to the penalties of perjury
pursuant to 28 U.S. C. § 1746:

1. I am a Member of the law firm of Nesenoff & Miltenberg, LLP, attorneys for the plaintiff, John Doe (“Plaintiff”).
2. I submit this declaration in support of Plaintiff’s Ex Parte Motion for Leave to File Complaint as Pseudonymous Plaintiff.
3. In the instant action, Plaintiff seeks redress against Defendant Columbia University and the Trustees of Columbia University (collectively, “Defendant Columbia” or “Columbia University”) due to the actions, omissions, errors, and the flawed procedures, and/or negligence and overall failure to provide Plaintiff with an expected standard of due process, concerning the wrongful allegations of sexual misconduct made against him. The unfounded allegations were made by a fellow Columbia student, “Jane Doe.”

4. In Defendant Columbia's finding that Plaintiff was guilty of sexual misconduct; Plaintiff was deprived of the most basic due process and equal protection rights and was discriminated against on the basis of his male sex. In essence, there was a rush to judgment, pandering to the political climate on campus and pressure from women's groups.

5. Plaintiff was denied the effective assistance of any advisor; cross-examination of his accuser was effectively denied; John Doe was denied being able to call key witnesses and when such deficiency was raised, John Doe was met with overall dismissal as to their importance; and the hearing tribunal immediately announced its decision upon conclusion of an abbreviated session, reflecting the lack of impartiality and pre-judgment against an accused male student.

6. Plaintiff's education and future career has been severely damaged. Without appropriate redress, the unfair outcome of the Hearing will continue to cause irreversible damages to John Doe's educational career and future employment prospects, with no end in sight.

7. In light of these facts, Plaintiff should be permitted to protect his identity by filing the Complaint under a pseudonym. Plaintiff is prepared to address measures to protect the confidentiality of his identity should the Court require disclosure to Defendants or their attorneys at a later stage in the proceedings.

WHEREFORE, the Court should grant Plaintiff's application in its entirety, and should order such further and other relief as the Court deems just and proper.

I declare under the penalty of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

**Dated: New York, New York
May 16, 2014**

NESENOFF & MILTENBERG, LLP

By: 

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